



OCT 25 2013

Dr. Kevin D. Rome
President
Lincoln University
820 Chestnut Street
Jefferson City, MO 65101-3500

Sent: United Parcel Service
Tracking #: 1Z A54 67Y 01 9472 6801

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Dear Dr. Rome:

This letter is to inform you that the U.S. Department of Education (Department) intends to fine Lincoln University (Lincoln) a total of \$275,000 based on the violations of statutory and regulatory requirements outlined below. This fine action is taken in accordance with the procedures that the Secretary of Education (Secretary) has established for assessing fines against institutions participating in any or all of the programs authorized under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070 *et seq.* (Title-IV, HEA programs). As applicable here, under the Department's regulations, the Department may impose a fine of up to \$27,500 for each violation. 34 C.F.R. § 668.84. As detailed below, this fine action is based on Lincoln's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46.

Under the Clery Act, institutions participating in the Title IV, HEA programs must prepare, publish and distribute an Annual Security Report (ASR) by October 1 of each year. 34 C.F.R. § 668.41(e). The ASR must include a description of the institution's campus security policies in specific areas. 34 C.F.R. § 668.46(b). Specifically, the ASR must include a statement of current campus policies for making timely warning reports to members of the campus community regarding crimes, such as forcible sex offenses; a statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs; a notification to students of existing on and off-campus counseling, mental health, or other student services for victims of sexual offenses; and notification to students that the institution will change a victim's academic and living situation after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available. 34 C.F.R. § 668.46(b)(2). In addition, the ASR must report statistics for the three most recent calendar years concerning the occurrence of certain crimes on campus, in or on certain non-campus buildings or property, and on public property. 34 C.F.R. § 668.46(c). An institution must compile and publish crime statistics for each separate campus. 34 C.F.R. § 668.46(d). The crimes that must be reported include: criminal homicide (murder and manslaughter); sex offenses (forcible and non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; and arrests for liquor law violations, drug law violations and illegal

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weapons possession. The ASR must be distributed to current students and employees and must be made available to applicants for admission and employment to provide them with accurate, complete and timely information about crime and safety on campus. 34 C.F.R. § 668.41(e). Institutions must submit the crime statistics annually to the Department, which makes them publicly available. 34 C.F.R. § 668.41(e)(5).

The Department conducted a program review at Lincoln from February 23, 2009 to February 27, 2009. The Department made a follow-up visit to Lincoln to complete the review work on April 20 and 21, 2009. The focus of the review was Lincoln's compliance with the Clery Act. The review consisted of an examination of Lincoln's policies and procedures related to campus safety; records of the Lincoln University Police Department (LUPD); and Lincoln's student disciplinary records. The review concentrated on the crime statistics reported on the ASRs for calendar years 2006, 2007, and 2008.

On December 15, 2009, the Department issued a Program Review Report (PRR) to Lincoln. The review found that Lincoln had not complied with the Clery Act and the Department's implementing regulations. Lincoln responded to the report on January 29, 2010 and provided a supplemental response on June 15, 2010. After reviewing Lincoln's responses, the Department issued its Final Program Review Determination (FPRD) letter to Lincoln on March 10, 2011. The FPRD, which is incorrectly dated February 14, 2010, is incorporated by reference into this fine action. (Enclosure 1).

The Department is taking this fine action based on the findings in the FPRD, which concluded that Lincoln: did not have records supporting the crime statistics reported in its ASRs for 2006, 2007, and 2008 calendar years; did not correctly identify the crimes reported in its crime logs; failed to distribute ASRs for the 2006 and 2007 calendar years; failed to maintain a crime log until 2009; failed to provide two sexual assault victims with the outcome of the campus disciplinary board's investigations; failed to include in the ASR a statement that included possible sanctions in its disciplinary actions involving sex offenses; failed to properly define the campus geographic boundaries for the purposes of reporting crime statistics; failed to provide proof that crime statistics were requested from local law enforcement; and failed to include in the ASR the classification for reported hate crimes.

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LINCOLN DID NOT HAVE RECORDS TO SUBSTANTIATE CRIME STATISTICS REPORTED TO THE DEPARTMENT AND INCLUDED IN THE ASR

Under the Clery Act and the Department's regulations, an institution participating in the Title IV, HEA programs must keep records relating to its administration of the Title IV, HEA programs for three years after the end of the award year for which aid was disbursed. 34 C.F.R. § 668.24(e). An institution must report statistics for the three most recent calendar years

¹ The FPRD included an additional finding (Finding #7) regarding the institution's procedural deficiencies in sexual assault policies. The Department has decided not to impose a fine relating to that Finding.

concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of crimes reported to local police agencies or to a campus security authority. The crimes that must be reported include: criminal homicide (murder and manslaughter); sex offenses (forcible and non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; and arrests for liquor law violations; drug law violations and illegal weapons possession. The ASR, including these statistics, must be distributed to current students and employees and must be made available to applicants for admission and employment to provide them with accurate, complete and timely information about crime and safety on campus. 34 C.F.R. § 668.41(e). Institutions must submit the crime statistics annually to the Department, which makes them publicly available. 34 C.F.R. § 668.41(e)(5).

An institution must compile the required crime statistics using the definitions of crimes provided by the Department's regulations and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines and Training Guide for the Hate Crime Data Collection. For further guidance concerning the application of definitions and classification of crimes, an institution must use either the UCR Reporting Handbook or the UCR Reporting Handbook: NIBRS EDITION, except that in determining how to report crimes committed in a multiple-offense situation, an institution must use the UCR Reporting handbook. 34 C.F.R. § 668.46(c)(7).

Lincoln did not maintain records supporting the statistics included in the ASR as required by the Department's regulations. The PRR issued on December 15, 2009 and the FPRD concluded that there was no way to determine which crime incident reports substantiated the crime incidents included in the crime statistics in Lincoln's ASRs, and submitted to the Department for calendar years 2006, 2007, and 2008. For example, when asked to produce supporting documentation for ASRs issued in 2006, 2007, and 2008, Lincoln produced a series of spreadsheets which listed 5 incident reports concerning burglaries in 2006, even though in the ASR, the institution reported 12 burglaries occurring during the calendar year 2006. In addition, on the spreadsheets, Lincoln stated, "Unable to locate any aggravated assault incidents" in the 2006 calendar year, even though the institution's ASR showed one (1) aggravated assault for calendar year 2006.

The PRR required Lincoln to provide accurate crime statistics for the most recently issued ASR (issued October 1, 2009), that would cover calendar years 2006 through 2008. The PRR further required the production of the crime incident numbers and/or student disciplinary reports.

In its January 29, 2010 response to the PRR, Lincoln failed to provide records supporting the statistics included in the calendar year 2009 ASR. On May 11, 2010, the Department directed Lincoln to provide a detailed report and any other information necessary to substantiate the crime statistics included in its 2009 ASR.

On June 15, 2010, Lincoln provided the reviewers with a revised 2009 ASR, with revised crime statistics for calendar years 2006 through 2008. Lincoln also submitted daily crime logs and a validation report. The reviewers concluded that Lincoln's revised ASR for calendar year 2009

was riddled with discrepancies in data, and errors. The reviewers further concluded that Lincoln did not have records supporting the information and data recorded in its ASRs issued for calendar years 2006, 2007, and 2008. Lincoln's validation report was compiled from information in ReportExec. ReportExec is software which helps institutions track their crime statistics. According to information Lincoln provided to the reviewers, Lincoln would take its daily crime logs and enter that information directly into ReportExec. Lincoln then used the ReportExec data to compile its ASR. Lincoln also provided the reviewers with daily crime logs for the same period. The reviewers compared the original crime statistics in the ASRs and those that were submitted to the Department, the revised statistics, and the validation report. The reviewers noted that Lincoln's ASRs had numerous errors and discrepancies. Specifically, the FPRD notes that, Lincoln did not include in the ASRs issued for calendar years 2006, 2007, and 2008 a total of 56 reported crimes that were reflected in the crime logs. The 56 incidents were not reported in the ASRs and to the Department. Records provided to the Department, including crime logs showed that in 2006, Lincoln under-reported 30 crime statistics (five aggravated assaults, two burglaries, 14 drug law arrests, three liquor law arrests, and 6 illegal weapons possession referrals); in 2007, it under-reported 17 crime statistics (five aggravated assaults, one illegal weapons arrest, and 11 liquor law arrests); and in 2008, it under-reported 9 crime statistics (six aggravated assaults, two liquor law arrests, and one drug law disciplinary action referral). In short, Lincoln's records failed to support the crime statistics provided to its students and employees, potential students and employees, the Department, and the public.

Lincoln's development of sufficient procedures to develop and maintain records after the Department alerted the University of its obligations does not excuse its earlier failure to comply with its legal obligations. The correction of the violation does not diminish the seriousness of not maintaining the records to substantiate crime statistics.

LINCOLN DID NOT PROPERLY IDENTIFY CRIMES IN THE CRIME LOGS

The Department's regulations require that institutions participating in the Title IV, HEA programs that maintain a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. This log must include the nature, date, time, and general location of each crime; and the disposition of the complaint, if known. The institution must make an entry or an addition to an entry to the log within two business days of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. An institution may withhold information if there is clear and convincing evidence that the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence. 34 C.F.R. § 668.46(f). The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must

make any portion of the log older than 60 days available within two business days of a request for public inspection. 34 C.F.R. § 668.46(f)(5).

The PRR concluded that Lincoln had not correctly identified reported crimes, underreported crimes, and listed incorrect crime locations in its crime logs for the 2006, 2007, and 2008 calendar years.

The PRR required Lincoln to develop procedures that would ensure crimes reported to LUPD are classified according to UCR definitions. The PRR required a copy of the procedures and the training plan to be submitted to the Department.

In its January 29, 2010 response, Lincoln stated that it had developed the required procedures but it did not submit a copy of the procedures to the Department. In its June 15, 2010 response, Lincoln submitted a copy of the revised procedures and training material. However, the revised crime statistics showed that Lincoln still did not correctly identify in the crime log nine (9) reported crimes for calendar years 2006, 2007 and 2008.

In 2006, Lincoln did not correctly identify two (2) aggravated assaults and a burglary. As a result, these three (3) incidents were not included in the revised crime statistics. In 2007, Lincoln did not correctly identify three (3) aggravated assaults and one (1) forcible sex offense. As a result, these four (4) incidents were not included in the revised crime statistics. In 2008, Lincoln did not correctly identify two (2) burglaries. As a result, these two incidents were not included in the revised crime statistics.

Lincoln's development of adequate procedures and training to ensure proper identification of reported crimes, and reporting after the Department alerted the University of its obligations does not excuse its earlier failure to comply with its legal obligations. The development of adequate procedures and training does not diminish the seriousness of incorrect identification of crimes. As exemplified in this case, incorrect identification of crimes in a crime log leads to the underreporting of crimes, resulting in the reporting of inaccurate crime statistics in the ASR, and to the Department.

LINCOLN DID NOT DISTRIBUTE ITS ASR FOR CALANDER YEARS 2006 AND 2007

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must distribute, to all enrolled students and current employees, its ASR, through appropriate publications and mailings. The distributions must occur by October 1 of each year and must include direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail; a publication or publications provided directly to each individual; or posting on an Internet website or an Intranet website. 34 C.F.R. § 668.41(e). If an institution chooses to distribute its ASR to enrolled students by posting the disclosure on an Internet website or an Intranet website, the institution must, by October 1 of each year, distribute to all current employees a notice that includes a statement of the report's availability, the exact electronic

address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(c)(2) and (e)(2).

If an institution chooses to distribute its ASR to current employees by posting the disclosure on an Internet website or an Intranet website, the institution must, by October 1 of each year, distribute to all current employees a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(e)(3).

If the institution chooses to provide its ASR to prospective students and prospective employees by posting the disclosure on an Internet website, the notice must include the exact electronic address at which the report is posted, a brief description of the report, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(e)(4).

Lincoln did not produce any documentary evidence to show that it had timely prepared and distributed the ASRs for 2006 and 2007. The FPRD notes that Lincoln began proper ASR distribution when it distributed its calendar year 2008 ASR.

Lincoln's June 15, 2010 response provided revised procedures to ensure that its ASR is timely prepared and distributed. However, the revision of procedures after the Department alerted the University of its obligations does not excuse its earlier failure to comply with the law. Lincoln's current and prospective students/employees must be provided with timely crime statistics to make informed decisions about their personal safety.

LINCOLN DID NOT MAINTAIN A CRIME LOG UNTIL 2009

Institutions participating in Title IV, HEA programs that maintain a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. This log must include the nature, date, time, and general location of each crime; and the disposition of the complaint, if known. The institution must make an entry or an addition to an entry to the log within two business days of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. An institution may withhold information if there is clear and convincing evidence that the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence. §485(f)(4) of the HEA; 34 C.F.R. § 668.46(f). The institution must make the crime log for the most recent 60-day period open to public inspection during normal

business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection. 34 C.F.R. § 668.46(f)(5). Lincoln did not compile proper crime logs until just before the Department's February 2009 on-site review. Lincoln staff interviewed by the reviewers confirmed that LUPD kept incident report cards in the front office of the LUPD and those cards were available to the public. However, the FPRD notes that it was impossible for the Department to verify these incident report cards as crime logs. The incident report cards did not provide a written easily understood report of crimes that were reported to LUPD and did not include all of the information required by the regulations.

Lincoln's supplemental response described its revised procedures to ensure that it would maintain an accurate and complete crime log going forward. However, the revision of procedures after the Department alerted the University of its obligations does not excuse its earlier failure to comply with its legal obligations. Lincoln's failure to maintain a proper crime log until 2009 was a serious violation of the Clery Act and the Department's regulations.

LINCOLN FAILED TO PROVIDE TWO VICTIMS OF SEXUAL ASSAULT WITH THE OUTCOME OF THE CAMPUS DISCIPLINARY BOARD'S INVESTIGATIONS

The Clery Act and the Department's regulations require institutions participating in the Title IV, HEA programs to prepare an ASR that contains, among other things, a statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. The statement must include procedures for campus disciplinary actions in cases of an alleged sex offense, including a clear statement that both the accuser and the accused will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. For ASR purposes, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused. 34 C.F.R. § 668.46(b).

Lincoln violated this requirement in two instances by failing to advise the victim of a sexual assault of the final outcome of the campus disciplinary board's investigation. The first incident, which occurred on January 20, 2007, was reported to LUPD on January 22, 2007 and coded as incident No. 2007-21. Lincoln provided the reviewers with copies of notification letters which showed that the accuser was not notified of the outcome until June 2010. The reviewers noted that there was a "pre-investigation" conducted on February 15, 2007; the formal judicial process was conducted through the Student Affairs Committee on March 19, 2007; and the committee members finalized their decision on March 26, 2007 and decided to suspend the accused student. The accused student was notified of this action in a letter dated April 2007. The accused student appealed the decision; however, the suspension was upheld. On April 20, 2007, the accused student was notified that as a result of the decision to uphold his suspension, he was not allowed on campus until May 24, 2008. Lincoln provided the reviewers with copies of notification letters which showed that the accuser was not notified of the outcome until June 2010.

The FPRD noted that a victim of a sexual assault that reportedly occurred in the fall of 2008 was not notified of the outcome of the case until June 2010. In a letter dated April 12, 2007, Lincoln notified the accused student that he was suspended until the end of the Spring 2010 semester. Documents provided to the reviewers showed that the accused student signed for this letter on April 19, 2007. The student appealed the suspension decision in late April 2007; however, in a letter dated May 15, 2007, he was notified that he would remain suspended until after May 24, 2008. The victim of the Fall 2008 assault was not notified of the outcome of the case until June 2010.

Lincoln's failure to notify the victims of sexual assault of the outcome of the campus disciplinary board's proceedings is a serious violation because victims of sexual assault have the right to know about the outcome of the proceedings under the HEA, Clery Act, and the Department's regulations.

LINCOLN'S CALENDAR YEAR 2009 ASR OMITTED A REQUIRED POLICY STATEMENT

Institutions participating in the federal student financial aid programs must have an ASR that, among other things, contains a statement that includes the sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses. 34 C.F.R. § 668.46(b)(11)(viii).

Lincoln's ASR for calendar year 2009 did not contain a statement regarding the possible sanctions that may be imposed in the final determination of an institutional disciplinary proceeding in the case of a sexual offense. Lincoln has since revised its policies and its statements regarding campus safety to include the required statement in the ASR. However, the efforts do not excuse Lincoln's failure to have the required policy statement at the time of review, as required by the Clery Act and the Department's regulations.

LINCOLN FAILED TO PROPELY DEFINE THE CAMPUS GEOGRAPHIC BOUNDARIES FOR CLERY ACT PURPOSES

The Clery Act and the Department's regulations require an institution participating in the Title IV, HEA programs to include in the crime statistics in its ASR, reported crimes that occur in areas defined as "Campus" and "Non-campus Buildings or Property," 34 C.F.R §§ 668.46(a), 668.46(c), (c)(4), (c)(8). Specifically, an institution must include crime statistics from any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls. 34 C.F.R § 668.46(a)(1). An institution must include the crime statistics in its ASR for each separate campus. 34 C.F.R § 668.46(d). In complying with the statistical reporting requirements, an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus

buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas. 34 C.F.R. § 668.46(c)(8).

Lincoln failed to properly define and identify its campus, non-campus property, and public property owned by or surrounding the main Lincoln campus for Clery Act purposes. These errors related to the 2006, 2007, and 2008 calendar years. Specifically, Lincoln did not compile and report crime statistics for its research farms: Busby Farm, Carver Farm, and Freeman Farm. After the Department directed Lincoln to determine whether these three (3) research farms should be included as noncampus property, Lincoln's January 29, 2010 response conceded that the three research farms are indeed Lincoln's noncampus property. Lincoln has now included the research farms in the description of its campus.

The correction of this violation does not diminish the seriousness of not properly defining the campus, and correctly reporting crime statistics at the time they were due.

LINCOLN FAILED TO PROVIDE PROOF THAT IT HAD REQUESTED CRIME STATISTICS FROM LOCAL LAW ENFORCEMENT

The Clery Act and the Department's regulations require an institution participating in the Title IV, HEA programs to make a reasonable, good faith effort to obtain the required crime statistics from local and State police agencies. An institution may rely on the information supplied by those agencies in compiling its campus crime statistics. If the institution makes a reasonable, good faith effort to obtain the required statistics, it is not responsible for the failure of the local or State police agency to supply the statistics. 34 C.F.R. § 668.46(c)(9).

Lincoln did not produce any documentation to show that it requested crime statistics from local law enforcement agencies for the 2006 and 2007 calendar years. The FPRD notes that LUPD requested crime statistics from local law enforcement agencies for the 2008 calendar year, but the Jefferson City Police Department indicated that the request was not specific and did not provide any data.

Lincoln's failure to make a good faith effort to obtain crime statistics from local or State police agencies is a serious violation of the Clery Act and the Department's regulations. Enrolled students, current employees, and potential students/employees must be able to rely on the crime statistics reported on Lincoln's ASR and to the Department. Lincoln's failure to request crime statistics from local police agencies rendered its reported crime statistics incomplete and unreliable.

LINCOLN FAILED TO INCLUDE A CLASSIFICATION FOR HATE CRIMES IN ITS ASR FOR CALENDAR YEAR 2009

The Clery Act and the Department's regulations require an institution participating in the Title IV, HEA programs to report, by category of prejudice, the following crimes: criminal homicide

(murder and manslaughter); sex offenses (forcible and non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; and arson. Additionally, institutions are required to report any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. 34 C.F.R. § 668.46(c)(3).

Lincoln failed to provide data relating to reported hate crimes in its ASR for calendar year 2009. In its January 29, 2010 initial response to the Department, Lincoln stated that it had revised its 2009 ASR to reflect that no hate crimes were reported in calendar years 2006, 2007, and 2008. However, in its supplemental response on June 15, 2010, Lincoln's revised 2009 ASR revealed that one robbery on campus during calendar year 2008 was identified as a hate crime.

Lincoln's supplemental response also included a copy of the University's revised procedures to ensure that all hate crimes are reported as required by the Clery Act. However, the revision of procedures after the Department alerted the University of its obligations does not excuse its earlier failure to comply with its legal obligations. Lincoln's failure to address hate crimes in its ASR for calendar year 2009 is a serious violation of the HEA. The campus community has a right to know whether a hate crime was reported.

In determining the amount of a fine, the Department considers both the gravity of the offense and the size of the institution. 34 C.F.R. § 668.92. Pursuant to the Secretary's decision In the Matter of Bnai Arugath Habosem, Docket No. 92-131-ST (August 24, 1993), the size of an institution is based on whether it is above or below the median funding levels for the Title IV, HEA programs in which it participates. The latest year for which complete funding data is available for Lincoln is 2011-2012 award year. According to the Department records, Lincoln received approximately \$7,826,864 in Federal Pell Grant (Pell) funds, \$18,294,203 in Federal Direct Loan funds and \$269,969 in Campus-Based funds. The latest information available to the Department indicates that the median funding level for institutions participating in the Federal Pell Grant program is \$1,621,679, for institutions participating in the Federal Direct Loan programs, the median funding level is \$3,208,278, and for institutions participating in the Campus-Based programs, the median funding level is \$278,107. Accordingly, Lincoln is a large institution because its funding levels for Federal Pell Grant, Federal Direct Loan, or Campus-Based funds exceeds the median funding levels for those Title IV, HEA programs.

As detailed in this letter, Lincoln's violations of the Clery Act are very serious and numerous. These failures endangered Lincoln's students and employees who must be able to rely on the disclosures of campus crime statistics, policies and statements, and the accurate reporting of crimes and statistics to take precautions for their safety. Moreover, the Department considers an institution's compliance with the Clery Act requirements to be part of its administrative capability, and Lincoln's failure to comply with those requirements constitutes an inability to administer properly the Title IV programs.

After considering the gravity of the violations and size of the institution, I have assessed a fine of \$27,500 for Lincoln's failure to maintain and provide documentation to support the crime statistics reported by the institution. This is a serious violation because Lincoln failed to show that its statistical reporting for calendar years 2006, 2007 and 2008 was based on reliable figures. I have assessed a fine of \$27,500 for Lincoln's incorrect reporting of crimes on the crime logs. This is a serious violation because the incorrect crime logs resulted in the underreporting of nine (9) reported crimes, even after Lincoln revised its crime statistics. I have assessed a fine of \$27,500 for Lincoln's failure to distribute its ASRs for calendar years 2006 and 2007 to students, and employees, and potential students and employees. This is a serious violation because the campus community and the public were deprived of important information to help them make important safety decisions. I have assessed a fine of \$27,500 for Lincoln's failure to maintain a crime log until calendar year 2009. This is a serious violation because the crime log is the basis for the crime statistics reported by the institution and is available to the public.

I have assessed a fine of \$27,500 for each of the two instances in which Lincoln failed to provide a victim of a sexual assault with the outcome of the campus disciplinary proceedings which addressed the assault. This is a serious violation because Lincoln did not comply with a specific Clery Act requirement that requires institutions to notify victims of a sexual assault of the outcome of the campus disciplinary proceedings. I have assessed a fine of \$27,500 for Lincoln's failure to include in its calendar year 2009 ASR a statement of the possible sanctions in disciplinary actions involving sex offenses. This is a serious violation because current students/employees and prospective students/employees cannot be expected to know the institution's sanctions associated with sex offenses when that information has not been provided to them.

I have assessed a fine of \$27,500 for Lincoln's failure to properly define the campus geographic boundaries and compile the crime statistics for noncampus property. This is a serious violation because current and prospective students and employees must be able to rely on accurate and complete campus crime information. I have assessed a fine of \$27,500 for Lincoln's failure to provide proof that it requested crime statistics from local law enforcement agencies. This is a serious violation because current and prospective students/employees must be able to rely on accurate and complete campus crime information. I have also assessed a fine of \$27,500 for Lincoln's failure to include the classification for reported hate crimes in its calendar year 2009 ASR. This is a serious violation because the campus community must have accurate information about hate crimes to make important safety decisions.

The fine of \$275,000 will be imposed on **November 14, 2013**, unless I receive, by that date, a request for a hearing or written material indicating why the fine should not be imposed. Lincoln may submit both a written request for a hearing and written material indicating why a fine should not be imposed.

Dr. Kevin D. Rome
Lincoln University

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If Lincoln chooses to request a hearing or submit written material, you must write to me at:

Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/Program Compliance
830 First Street, NE – UCP-3, Room 84F2
Washington, DC 20002-8019

Upon receipt of such a request, the case will be referred to the Office of Hearings and Appeals, which is a separate entity within the Department. That office will arrange for assignment of Lincoln's case to a hearing official who will conduct an independent hearing. Lincoln is entitled to be represented by counsel at the hearing and otherwise during the proceedings. If Lincoln does not request a hearing but submits written material instead, I will consider that material and notify Lincoln of the amount of fine, if any, that will be imposed.

ANY REQUEST FOR A HEARING OR WRITTEN MATERIAL THAT LINCOLN SUBMITS MUST BE RECEIVED BY NOVEMBER 14, 2013; OTHERWISE, THE \$275, 000 FINE WILL BE EFFECTIVE ON THAT DATE.

If you have any questions or desire any additional explanation of Lincoln's rights with respect to this action, please contact Lawrence Mwethuku of my staff at 202/377-3684.

Sincerely,



Mary E. Gust, Director
Administrative Actions and Appeals Service Group
Federal Student Aid/Program Compliance
U.S. Department of Education

Enclosure

cc: Ms. Karen Solomon, Vice President for Accreditation Relations, Higher Learning Commission, via ksolomon@hlcommission.org
Dr. Rusty Monhollon, Assistant Commissioner for Academic Affairs, Missouri Department of Higher Education, via Rusty.Monhollon@dhe.mo.gov